REMARKS

The present amendment is submitted in an earnest effort to advance the case to issued without delay.

Claim 1 has been amended by focusing element (a) on an anionic surfactant and element (b) on an ethoxylated cocomonoethanolamide as co-surfactant. Thus, the limitation of claim 12 has been incorporated into claim 1, and the former claim canceled. Further, other claims have been canceled because of the consolidation. Independent claim 2 has been amended to be parallel to amended claim 1. Other claims have been amended to place them in better formal form. The Examiner is requested to enter the amendment because, in essence, it consolidates the claims and focuses the discussion in the event of an Appeal.

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Reid et al. (U.S. Patent 5,085,857). Applicants traverse this rejection.

Original claim 12, which is now incorporated into claim 1, specifies the presence of a particular co-surfactant. This co-surfactant is an ethoxylated cocomonoethanolamide with EO ranging from about 2 to about 12. Reid et al. does not disclose this material. For this reason, applicants consider the Examiner has not presented a prima facie case of obviousness.

Reid et al. mentions various types of anionic and nonionic surfactants. Among the nonionics disclosed is cocomonoethanolamide. See column 2 (lines 53-57) and Examples 4 and 5. There is no teaching or suggestion that cocomonoethanolamide be alkoxylated.

Neither is there any suggestion that an alkoxylated cocomonoethanolamide would provide any benefit with respect to the deposition of silicone conditioning agents.

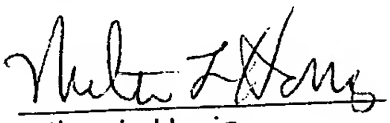
Applicants have presented a series of comparative experiments. These are found under Example 1 at page 13, Example 2 at page 15, Example 3 at page 16 and Example 4 at page 17.

Formula 1 based on CMEA was found to deposit only 30 ppm of silicone on hair. By contrast, formulas 2-4 replacing the CMEA with varying degrees of ethoxylated CMEA show a silicone on hair deposition ranging from 130 to 580 ppm. Similar results are seen when the CMEA control formula 5 is compared to formulas 6-7. The latter replace CMEA with ethoxylated CMEA and achieve very substantially more silicone deposition on hair. Likewise results are seen with formula 11 (CMEA) in comparison to formula 12 (ethoxylated CMEA). There is a doubling in deposition on hair. Examples 3 and 4 provide still further proof. These results were quite unexpected.

Anyone skilled in the art reviewing Reid et al. would not have expected that the presence of an ethoxylated cocomonoethanolamide would provide any benefit whatsoever to silicone deposition. Indeed, the opposite would have been expected. Addition of more foaming surfactant or co-surfactant would have been thought to increase wash-out of any lingering hair conditioning particles. Nothing in the reference suggests that surfactants or co-surfactants have any deposition enhancing properties. These materials are taught merely as lathering agents.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,



Milton L. Honig
Registration No. 28,617
Attorney for Applicant(s)

MLH/sm
(201) 840-2403